

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 22, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, March 8 and 15, 2006 Worksessions.

Action: Approved, (WMH/CLH, 5-0).

2. **A-6105, Petition of Magomed Veliev** (new single-family dwelling). Letter to the Board from the petitioner submitting revised elevations. [Large exhibits: foundation and first floor plans, second and third level plans, front and right side elevations, rear and left side elevations).

Action: Re-opened the record to include the clarification plans for the proposed construction, (AMC/DLB, 5-0).

3. **CBA-1650, Petition of Nedal and Nebil Suleiman** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS) requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (CLH/WMH, 4-0/AIF/recused).

4. **CBA-2212-A [CBA-2212, S-535, CBA-2614], Petition of Flower Valley Bath and Racquet Club, Inc.** (community swimming pool). Annual Report to the Board from Barbara Brower, President.

Action: (1) Re-opened the record to include Annual Report, (DLB/AMC, 5-0); (2) staff to request clarification of the number of families who could be members of the club, number of lifeguards used for the facility, schedule of the contractor's hours.

5. **S-1836, Petition of Haeng K. Choi** (private educational institution). Letter from Sunny Choi notifying the Board that the special exception holder is deceased and requesting that the special exception be revoked.

Action: Revoked the special exception as abandoned, (DLB/WMH, 5-0).

6. **S-2318, Petition of Elle Ringwalt** (accessory apartment). Letters of opposition to the Board from Steven Rosenfeld and Robert Erskine.

Action: (1) Re-opened the record to include the letters from Mr. Rosenfeld and Mr. Erskine; (2) Messrs. Rosenfeld and Erskine to be included on the mailing list to receive the Board's Resolution transferring the special exception, (AMC/CLH, 5-0).

7. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer of the North Potomac Village Condominium Association.

Action: (1) Item deferred for future Worksession; (2) status report from Ms. Sears and Girard in 60 days, consensus.

DECISION ITEMS:

8. **S-1471-A, Petition of Power Fuel, and Transport, Real Estate Holding Company (MD), LLC** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is letter from Ruben Garcia requesting Oral Argument.

Action: (1) Denied request for Oral Argument; (2) adopted the Hearing Examiner's Recommendation and denied special exception as application is insufficient; (3) granted the transfer of the special exception, (DLB/CLH, 5-0); (4) DPS to inspect special exception within 45 days of the issuance of the Board's Resolution.

9. **S-2644, Petition of Greencastle Lakes Community Association, Inc.** (community swimming pool). Hearing Examiner's Supplemental Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Supplemental Report and Recommendation; (2) granted the special exception as amended with conditions, AMC/WMH, 5-0).

10. **S-2652, Petition of Inwood House Development Corporation and Omnipoint Communication CAP Operations, LLC, a Subsidiary of T-Mobile, USA** (telecommunication facility). Hearing Examiner's Report and Recommendation. **S-567, Petition of Centers for the Handicapped Development Corporation** (charitable and philanthropic institution). Also included are letters from Thomas Carroll, Esquire, requesting an administrative modification and the Applicant's Supplemental Submission.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions; (3) granted the administrative modification, (WMH/AMC/AIF/recused).

PENDING ITEMS:

11. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2-22-06].
12. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].
13. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].
14. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP). (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans. [W/S 9/14/05].
15. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2-18-04].
16. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].
17. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2-8-06].
18. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2-22-06].
19. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letter to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 2-22-06].

PENDING ITEMS (continued):

20. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Show Cause Hearing continued to 3/29/06 @ 10:30 a.m. [Show Cause Hrg 1/18/06].
21. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
22. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12-7/05].
23. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].
24. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

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